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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Stephen J. Hudgens	§	Group Art Unit:	2826
Serial No.:	10/633,873	§		
Filed:	August 4, 2003	§	Examiner:	Ahmed N. Sefer
For:	Processing Phase Change Material To Improve Programming Speed	§	Atty. Dkt. No.:	ITO.0048US (P16245)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Dear Sir:


An additional extension of time fee was charged to our Deposit Account on November 21, 2007 in connection with the late filing of a Notice of Appeal dated September 10, 2007. The Final Office Action was dated March 13, 2007 and a response was filed on April 16, 2007. The Examiner issued an Advisory Action dated August 28, 2007 which states that if a responses is filed with two months of the Final Office Action, "the period for response expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later." Since Applicant filed the Notice of Appeal on September 10, 2007 (which is within one month from the date of the Advisory Action), only a one-month extension of time was due. Therefore, Applicant is due a refund in the amount of \$490.

Please make a refund, in the amount of \$490, to Deposit Account No. 20-1504 (ITO.0048US).

Respectfully submitted,

Date:

12/5/2007


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Date of Deposit: December 5, 2007

I certify that this document and authorization to credit deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571-273-6500) on the date indicated above.


Sherry Tipton

**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)**

Docket No.
ITO.0048US (P16245)

In Re Application Of: **Stephen J. Hudgens**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/633,873	August 4, 2003	Ahmed N. Sefer	21906	2826	5270

Invention: **Processing Phase Change Material to Improve Programming Speed**



COMMISSIONER FOR PATENTS:

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of March 13, 2007 in the above-identified application.

Date

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **March 13, 2007**

Applicant(s) hereby request(s) an extension of time of (check desired time period):

☒ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: August 28, 2007

Date

until: September 13, 2007

Date

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

Fee for Notice of Appeal: No fee due; fee paid 06/20/06.

Fee for Extension of Time: \$120.00

TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$120.00

The fee for the Notice of Appeal and extension of time is to be paid as follows:

☒ A check in the amount of **\$120.00** for the Notice of Appeal and extension of time is enclosed.

☐ Please charge Deposit Account No. _____ in the amount of _____

☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **20-1504**

☒ Any additional filing fees required under 37 C.F.R. 1.16: **09/13/2007 HUDNG1 00000047 10633873**

☐ Any patent application processing fees under 37 CFR 1.1701 FC:1251 **120.00 0P**

☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **20-1504**

☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.